

The Examiner observes that the Lobur reference does not disclose a device that includes a padded structure for enveloping the water container. But, figure 3 of the Kuo patent discloses a cushion body around a punch envelope filled with water and air. And, therefore, the Examiner states that it would have been obvious to anyone with ordinary skill in the art to envelope the water container of Lobur with foam.

Applicant respectfully disagrees. The Lobur reference discloses an exercise bag comprising a casing 12 enveloping a bladder or collapsible envelope 14 that is designed and intended to be inflated with air. The bladder encircles a cavity 34, which is intended to be filled with sand or other weighting material. There is no need for a water-tight container in the Lobur reference because water does not play a role in the Lobur device. Furthermore, it is unclear why the Examiner is relying on the Kuo reference for the idea of employing foam padding in an exercise bag. In lines 35 to 40 of column 5 of the Lobur reference, an optional embodiment of the Lobur device is described as having a relatively thin foam liner between the casing 12 and the bladder 14, but it is described as an optional feature for the comfort of the user of the bag. Applicant suggests that the reason the foam liner is optional in the Lobur device is that **air, not water**, in the collapsible bladder 14 cushions the blows sufficiently without the need for additional padding.

Although the Kuo reference is cited to augment the perceived deficiency of the teaching of the Lobur reference, and it does, in fact, disclose the use of a foam material enveloping a punch envelope 33 filled with water and air, it bears little resemblance or relevance to the claimed bag.

The claimed exercise bag comprises an enclosure, enclosing a padded structure, which, in turn, envelops a resilient, water-tight container that can be inserted and removed from the padded confines of the exercise bag at will.

The point of applicant's exercise bag is to provide an exercise bag that can be easily shipped and transported. The water-tight container is intended to be, in most instances, nothing more than a two-liter container formerly filled with soda pop. When assembling applicant's exercise bag, the exerciser simply inserts, into the padded confines of the bag, a two-liter container substantially full of water and closes the bag. It's then ready for use. After exercising, the container can be removed easily and emptied. The container then can either be discarded or reinserted for future use.

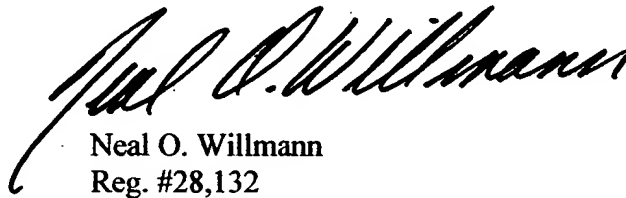
Applicant respectfully submits that the Lobur patent is not relevant to the claimed invention. The Lobur patent is an air-filled punching bag weighted with sand to give it some substance. The Lobur reference broaches the possibility of using foam padding, but because of the air bladder, padding is not a compelling need or high priority.

Nor do the combined teachings of Lobur and Kuo suggest or obviate the claimed exercise bag. The punching bag of Kuo is a padded, of course, but it is a stationary, floor-bound structure enveloping a punch envelope containing water and air that is not designed or intended to be removed or emptied. And, nothing in either Lobur or Kuo, or the combination thereof, suggests the use or advantages of an exercise bag having an insertable and removable resilient, water-tight container. And it is this removable container that is the inventive feature of applicant's exercise bag.

Applicant earnestly believes that the claims, as filed, are free of the prior art and worthy of patentability. And, in view of the foregoing, applicant requests that the

Examiner reconsider and rescind his rejection of the claims and issue a notice of allowance. If there are any continuing concerns, the Examiner is invited to contact applicant's attorney by telephone or e-mail to expedite the resolution of those concerns.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neal O. Willmann", written in a cursive style.

Neal O. Willmann
Reg. #28,132